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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/506,948

04/29/2005

David Idris Pritchard

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EXAMINER

HAGOPIAN, CASEY SHEA

ART UNIT

PAPER NUMBER

1615

MAIL DATE

DELIVERY MODE

01/15/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/506,948	Applicant(s) PRITCHARD, DAVID IDRIS	
	Examiner Casey S. Hagopian	Art Unit 1615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-17 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-7, drawn to a method of treating a surface populated by a bacteria capable of producing a biofilm which comprises contacting the surface with a substance obtained from the secretions/excretions of *Lucilia sericata*.

Group II, claim(s) 8-9, drawn to an antimicrobial composition comprising secretions/excretions isolated from *Lucilia sericata* or analogues thereof and one or more antibiotic compound.

Group III, claim(s) 10, 14 and 15, drawn to an antimicrobial composition comprising a substance having N-acyl homoserine lacton-degradant activity isolated from secretions/excretions obtained from *Lucilia sericata* or analogues thereof together with a carrier or vehicle.

Group IV, claim(s) 11, 14 and 15, drawn to drawn to an antimicrobial composition comprising a serine proteinase isolated from secretions/excretions obtained from *Lucilia sericata* or analogues thereof together with a carrier or vehicle.

Group V, claim(s) 12, 14 and 15, drawn to drawn to an antimicrobial composition comprising a glycosidase isolated from secretions/excretions obtained from *Lucilia sericata* or analogues thereof together with a carrier or vehicle.

Group VI, claim(s) 13-15, drawn to drawn to an antimicrobial composition comprising a substance having cecropin-like activity isolated from secretions/excretions obtained from *Lucilia sericata* or analogues thereof together with a carrier or vehicle.

Group VII, claim(s) 16, drawn to an antimicrobial composition comprising cell-free haemolymph obtained from *Lucilia sericata* larvae grown in the presence of *Pseudomonas aeruginosa*, or one or more active constituent of said haemolymph or a synthetic analogue of such constituent.

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Group VIII, claim(s) 17, drawn to a wound dressing.

The inventions listed as Groups I-IIIIV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The technical feature linking the above listed species appears to be that they all relate to an extract/active agent derived from the secretion/excretions of the *Lucilia sericata*. However, Prete teaches isolating extracts from the secretions of *Phaenicia sericata* larvae for the particular purpose of wound healing. It is noted that *Phaenicia sericata* is a synonym of *Lucilia sericata* as evidenced by Wikipedia.com. Accordingly, the technical feature linking the listed species does not constitute a special technical feature as defined by PCT Rule 13.2, as it does not form a single inventive concept or make a contribution over the prior art.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

In the event that applicant elects Group VIII, a further election of species is required. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Each antimicrobial composition of claims 10, 11, 12, 13 and 16.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. **Please elect one of the antimicrobial compositions claimed in claim 10, 11, 12, 13 or 16. If the composition of claim 10, 11, 12 or 13 is elected, claims 14 and 15 will be examined along with the elected composition.** The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The following claim(s) are generic: claim 17.

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The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

The technical feature linking the above listed species appears to be that they all relate to an extract/active agent derived from the secretion/excretions of the *Lucilia sericata*. However, Prete teaches isolating extracts from the secretions of *Phaenicia sericata* larvae for the particular purpose of wound healing. It is noted that *Phaenicia sericata* is a synonym of *Lucilia sericata* as evidenced by Wikipedia.com. Accordingly, the technical feature linking the listed species does not constitute a special technical feature as defined by PCT Rule 13.2, as it does not define a contribution over the prior art.

Due to the complexity of the action, the examiner submitted the Election in writing in lieu of calling applicant's attorney.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Casey Hagopian whose telephone number is 571-272-6097. The examiner can normally be reached on Monday through Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, can be reached at 571-272-8373. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Casey S Hagopian/
Examiner, Art Unit 1615

/MP WOODWARD/
Supervisory Patent Examiner, Art Unit 1615